

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PROPOSED RESTRUCTURE AND)	
REPRICING OF AT&T'S CHANNEL)	CASE NO. 89-168
SERVICES TARIFF)	

O R D E R

This matter arising upon petition of AT&T Communications of the South Central States, Inc. ("AT&T") filed April 23, 1990 pursuant to 807 KAR 5:001, Section 7, for confidential protection of the forecast of unit volume, revenue and cost data and the formulas used in the calculation of this data, filed in support of AT&T's application to adjust its private line rates and rate structure, on the grounds that disclosure of this information is likely to cause AT&T competitive injury, and it appearing to this Commission as follows:

AT&T has filed an application to adjust its private line rates and rate structure. In support of its application, AT&T has submitted a forecast of unit volume, revenue and cost data and the formulas used in the calculation of this data which information AT&T now seeks to protect as confidential.

The information sought to be protected is not known outside of AT&T and is not disseminated within AT&T except to those business employees who have a legitimate business need to know and act upon the information. AT&T seeks to preserve the confidentiality of this information through all appropriate means.

807 KAR 5:001, Section 7, protects information as confidential when it is established that disclosure is likely to cause substantial competitive harm to the party from whom the information was obtained. In order to satisfy this test, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

The information sought to be protected would provide AT&T's competitors with an accurate forecast of sensitive, proprietary and confidential unit volume, revenue and cost information regarding specific AT&T switched services in Kentucky, disaggregated by time-of-day and mileage bands. The information will provide a clear profile of the AT&T switched services market in Kentucky on a service specific basis, which could be used by competitors in the pricing of their services and in focusing their marketing efforts to the detriment of AT&T. Thus, competitors could use this information to obtain an unfair marketing advantage against AT&T and the information should be protected from disclosure.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:


1. The forecast of unit volume, revenue and cost data and the formulas used in the calculation of this data filed in support of AT&T's application to adjust its private line rates and rate structure, which AT&T has petitioned be withheld from public


disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.


2. AT&T shall, within 10 days of the date of this Order, file an edited copy of the contract with the confidential material obscured for inclusion in the public record, with copies to all parties of record.

Done at Frankfort, Kentucky, this 29th day of May, 1990.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director